

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)

Applicant(s): Thomas P. Feist et al.

Docket No.

8CN-8803-28

Application No.

10/757,877

Filing Date

01/14/2004

Examiner

Paul D. Kim

Group Art Unit

3729

Invention: METHODS FOR MAKING DATA STORAGE MEDIA AND THE RESULTANT MEDIA

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I hereby certify that this Response to Restriction Requirement (2 pgs) ...
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Thomas P. Feist et al.)
SERIAL NO.: 10/757,877) Group Art Unit:
FILED: January 14, 2004) 3729
FOR: METHODS FOR MAKING DATA)
STORAGE MEDIA AND THE)
RESULTANT MEDIA)
Before the Examiner:
Paul D. Kim

Response to Restriction Requirement Pursuant to 35 U.S.C. §121

Via Facsimile: (703) 872-9306
Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

Sir:

This is in response to the Restriction Requirement dated March 16, 2005. The Examiner contends that the application contains claims directed to the following patentably distinct species of the claimed invention: Species A, Figures 8 – 14, Species B, Figures 15 – 17, Species C, Figures 29 – 32, and Species D, Figures 33 – 35. The Examiner admits that at least Claims 1 and 4 are generic. Pursuant to MPEP §806.05(c) and 35 U.S.C. §121 the Examiner requires restriction between the disclosed species and identification of the claims readable thereon.

Applicants respectfully request reconsideration of this restriction. The majority of the claims are generic, and the remainder of the claims cover more than one group. Essentially, Applicants contend that Claims 1 – 4 and 8 – 15 are generic, while Claims 5 – 7 are directed to Figures 29 – 35 (Species C and D). As is stated in the Description of the Drawings,

[0021] Figures 8 to 21 illustrate various cross-sectional and top views of embodiments of the present invention having a core/insert of material, or hollow or filled cavities, with the core/insert disposed at various locations, with various geometries....

[0027] Figures 28 to 32 illustrate various embodiments of possible substrate geometries for the substrate of the present invention.

[0028] Figures 33 to 35 illustrate various embodiments of possible core geometries for the storage media of the present invention.

In other words, these figures are not limited to the materials for the core or substrates... Most of the claim elements can be applied to any of the embodiments covered in these figures. The restriction is not appropriate. Reconsideration and withdrawal of the restriction is respectfully requested.

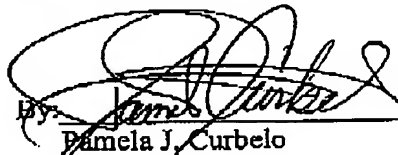
In order to meet the requirements of 37 C.F.R. §1.143, Applicants hereby provisionally elect Species D, which, as can be seen above, includes Claims 1 – 15, without prejudice.

If there are any charges with respect to this Restriction Requirement, or otherwise, please charge them to Deposit Account No. 07-0862 maintained by Assignee.

Respectfully submitted,

THOMAS P. FEIST ET AL.

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